

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CAUSE NO. 3:19-CR-107-CWR-LRA-1

JONATHAN LEWIS JENNINGS

DEFENDANT

ORDER

Before the Court is the Government's *Ore Tenus Motion to Continue Trial*.

According to the Government, an essential witness's unavailability justifies an exclusion under the Speedy Trial Act. 18 U.S.C. § 3161(h)(3)(B). William Jones – the subject of the Government's previous Motion to Continue [38] denied on March 11, 2020 – is now restricted by the United States Military from leaving Djibouti, Africa to come to trial.

The Court finds that Mr. Jones is an essential witness, *see* Docket No. 46 at 4–5, and that Jones is unavailable since his “presence could not be obtained through [the Government's] ‘reasonable’ efforts,” *United States v. Burrell*, 634 F.3d 284, 290 (5th Cir. 2011). Accordingly, the Government's *ore tenus* motion is granted pursuant to 18 U.S.C. § 3161(h)(3)(B).

In addition, on March 13, 2020, Chief Judge Jordan entered a Special Order in response to the coronavirus pandemic staying non-essential criminal matters set for hearing or trial in any federal courthouse within the Southern District of Mississippi. Pursuant to that Special Order, the Court further finds that the ends of justice are served by ordering a continuance of this matter. 18 U.S.C. § 3161(h)(7)(A).

The Government's motion is granted. The trial is continued and will be rescheduled as soon as practicable after the Special Order has been lifted.

SO ORDERED, this the 17th day of March, 2020.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE